

Notice of Allowability

Application No.

10/533,803

Examiner

Ghassem Alie

Applicant(s)

VIDAL CAUPENA ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/24/06.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the axis of symmetry of the rotary plates is horizontal, the arc shaped blades are oriented parallel to the plane of the rotary plates, and the plurality of drive pulleys which are arranged parallel to the axis of rotating plates as set forth in claim 1.

Regarding claim 1, Marshall et al. (6,619,946), hereinafter Marshall, teaches a machine capable of cutting of double-bodied bottles. Marshall also teaches a bottle-neck cutting device and an arc shaped blade which is oriented in parallel to the plane of a rotary plate. Marshall also teaches a plurality of drive pulleys which are arranged parallel to the axis of the rotary plate, which in operation contact the neck of the bottles. Marshall also teaches that the rotating plate includes a plurality of housings, which are arranged in such a way that they can move the bottles towards the arc of the blade.

Marshall does not teach that the cutting means includes two arcuate blades which are oriented in parallel to the plane of two rotary plates and distance in such a way that the double-bodied bottles can fit between the arc shaped blades and the rotary plates the blade.

Stenger (3,432,586 teaches a machine for cutting bottle-necks of double-bodied bottles. Stenger also teaches that the machine has two blade mechanisms which are located on opposite sides of the neck portion of the double-bodied bottle 2.

Marshall by itself or in combination with Stenger does not teach that the axis of symmetry of the rotary plates is horizontal, the arc shaped blades are oriented parallel to the

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plane of the rotary plates, and the plurality of drive pulleys which are arranged parallel to the axis of rotating plates as set forth in claim 1.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Comment

2. In view of amendment to claim 2, rejection of claim 2 under 35 U.S.C. 112, second paragraph, has been withdrawn.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Griesing et al. (3,967,516), Hafele (3,862,698), Fiorani et al. (2006/0071361), Terry et al. (2005/0150340), and Duikers et al. (3,800,638) teach a machine capable of cutting double-bodied bottles.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

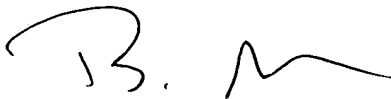
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

August 4, 2006


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER